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**SUGGESTIONS TO YOUNG LAWYERS ON STUDYING LAW.\***

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I am writing in reply to your letter for suggestions to young lawyers on the subject of studying law. I assume that they have the ambition to desire to advance themselves in their profession, and that the suggestions are simply along the line of how best to achieve the objects of their ambition. Just what a young lawyer should do will depend very much upon the library at his command. He is entering a generous profession, however, and if he is really in earnest and conducts himself properly he will find no difficulty in obtaining access to libraries of his elder brethren who have established themselves in their profession.

There is no subject more important than the statute law of the state in which you practice, nor can you safely advise clients, without familiarity with it. I know of no short way, nor any very interesting way of acquiring this familiarity. It must be done by careful reading, but do not try to read too much of it at one sitting. Read some every day until the task is done, but let the reading be done carefully and thoughtfully when the mind is alert, and stop as soon as it begins to fag. Take the latest edition of your Code or compiled laws, and if changes have been made since its publication, get references to these changes, if to be had, so as to get the latest legislative enactment to begin with. Do not undertake to read it from beginning to the end as you would a text book, but if there is in it a chapter on the rules of interpretation such as chapter 2 of the Virginia Code, read that first. Then take up the chapters on such matters as are most likely to arise in your practice as a young lawyer, such as proceedings before a justice, recordation of instruments, deeds, wills, descents, divorce, and the like. You can then make your own selection of such subjects as you may desire until you have completed the subjects of substantive law, civil and criminal, and pleading and practice. There are many regulatory statutes that need not be read at all until

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\*A letter from Hon. Martin P. Burks of the Supreme Court of Appeals to Fred M. Davis of the Lynchburg Bar, and Secretary of the "Great War Law Class of 1917" of Washington and Lee University, to be published in the Booklet of that class.

some question arises which makes it necessary to consult them. On this first reading I should not advise reading the annotations to cases such as are usually found in Codes of the present day. A large part of the lawyer's knowledge of statutory law consists of simply knowing that there is a statute on the subject, without knowing often what the statute provides. When necessary to advise about a statutory right, you should have the statute before you however familiar with it you may be. But it is all important to the young lawyer to learn as soon as possible what statutes exist, hence he does not wish to be delayed by the time required to read the annotations. Furthermore, in this preliminary reading of the statutes it is not necessary, nor do I think desirable to endeavor to charge the mind with the exact provisions of the statutes. Few, if any, minds can carry them all, but they should be so fixed in the mind that you will at once recall, when a subject is under consideration, that there is a statute affecting it, and then look it up and investigate it thoroughly. After this preliminary reading has been completed, then the chapters on important subjects should be re-read carefully, and in connection therewith the annotations to the cases. As time will permit, it is desirable to run back the changes that have been made from time to time in the statute so as to see the errors sought to be corrected. This is a tedious and tiresome job, to be undertaken by small instalments day by day, but very essential to the accurate and safe lawyer. However, like all other faithful work it brings its reward. This is the most uninteresting branch of the study of law, hence the advice to undertake it in small instalments at a time.

But no man can make a success of a profession if it is a mere drudgery. He must get his pleasure in it as well as his living, and nowhere can he find greater joy in the pursuit of his calling than in the study of the law. How then is he to study so as to get this joy, while he is at the same time acquiring a knowledge of the law? Study by subjects. Do not attempt to read text books. This may do for old lawyers, but not for fledglings. The subject is too diffuse, and the mind soon wanders and extends to unrelated subjects. But take

some particular subject, not too large, and thoroughly investigate it, and find out all there is to be learned about it, and when this is completed write out a full discussion of it in your own language, noting the points that have been raised or that suggest themselves to your mind, and how they have been or should be decided, with a full citation of the authorities and your own conclusions thereon, and file it away for future reference. From time to time thereafter as you discover other cases on the same subject, turn to your notes and add them at appropriate places, with such comments as you may deem helpful. This will keep the discussion down to date. Take, for instance, the subject of *res ipsa loquitur*. Then find the latest decision in your own state court on the subject, and read carefully the facts of the case, or the evidence on the subject, and only so much of the opinion as deals with a discussion of that subject. Do not permit yourself to be diverted by the discussion of other questions no matter how interesting they may be. You are searching now for the law on a particular subject, not for general information. Make a note of the facts and of the decision, giving a proper citation of the case by its style, volume and page. This opinion will give you reference to one or more prior cases on the same subject. Get these cases and treat each one of them in the same way, always reading the latest decision first. Each of these will probably cite one or more prior decisions, thus linking up the cases from the latest to the earliest in that jurisdiction. Of course, each of the cases thus found must be carefully read and notes thereof taken as indicated above. When you have thus traced the cases back to the earliest in your state, you will have in conglomerate mass all of the decisions of your state on the subject. It is now necessary to arrange this material into some systematic order. Think over the cases you have read and make an analysis of the subject, with such divisions as will cover every case you have read. If this proves inadequate, consult some text book or encyclopedia that treats of the subject and this will greatly aid in making the analysis. But this should not be done until you have first exhausted your own mental resources in that behalf. After the analysis has been made, the next step

is to place under the appropriate head thereof the cases that are to be discussed under that head. It will frequently happen that it will be desirable to discuss, more or less in detail, the same case under several heads, so do not hesitate to place that case under all the heads of the analysis under which it is desired to discuss it. Now take the first heading of the analysis and re-read very carefully each case placed under that heading, and write out in full your discussion of that branch of the subject, with an accurate citation of the cases, noting the doubts, if any, expressed in the opinions cited, and any questions that suggest themselves to your mind that were left undecided. It would be well also to give your own deliberate opinion on the branch of the subject under discussion. Treat each heading of your analysis in the same way. You will then have, in an orderly form, a complete discussion of the subject as viewed by the highest court of your own state. But there are few questions upon which the courts of all the states, and the United States Supreme Court agree, and it may be that your state is in the minority. I would advise that you next take up the decisions of the Supreme Court of the United States, and treat them in very much the same way, except that it will not be necessary to read all of their decisions on a given phase of the subject when a recent well considered case can be found. With your analysis before you it will not require much time or trouble to add under the appropriate title the cases from that jurisdiction. Usually, the beginner may rest here until he has similarly treated a number of subjects, but if he would make his treatment complete, he must have access to the complete Reporter System and Digests, or to a large library, and carefully examine the decisions of all the states on the subject and make similar notes and comments. When this is done he has a complete treatise on the subject.

But to read the law in this way, even confining yourself to your own state, is intensely interesting. You need no stimulus for this kind of reading. What you need is a guardian to make you go to bed at night and to keep you from reading during business hours when you ought to be doing something else. You are constantly on the eve of a wonderful discovery, ex-

pecting to make it in the next case you read and you are keen to get at it. It is so stimulating that it dominates all your conscious thoughts. It haunts you by day and keeps you awake at night. It is fine.

I have stated how I think a young lawyer should study law in order to make it interesting, how he can get joy out of his labor as well as remuneration, how he can be happy while he works. But he cannot ignore the fact that he has entered a liberal profession where he is expected to know something else besides law. He is expected to be acquainted with the standard literature of the age and the current literature of the day. He is also expected to be familiar with the history of the great men of his profession and of their achievements, and of many other things too numerous to be here mentioned. Of what may be termed standard literature, there is no book more often quoted or with gréater effect than the Bible. It is a book with which every one has more or less familiarity, and to quote it reverently is to speak as of a friend. It furnishes an unlimited field of illustration. Take for example the degrees of homicide as defined in the Mosaic Code, and where could you find a better example of a demurrer than the reply of the Master to the servant of one talent. Space forbids the mention of other books of literature, history, or biography. But even "trash" has its appropriate place in the life of the lawyer. When the mind is tired and weary, I know of nothing that is more quieting and restful than a trashy novel, an old fashioned love story. I say "old fashioned," because so many of the new books are not clean and wholesome, and when the young lawyer reads trash, it should be clean trash, not filth. The opinions he is accustomed to reading all inculcate purity, and he must not lower his standard beneath judicial utterances, for he may some day be called to wear the judicial ermine and his ambition should be that it should not be purer than himself.